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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,419	12/14/2000	Jae H. Shim	7015-007	8838

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EXAMINER
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NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,419

Applicant(s)

SHIM, JAE H.

Examiner

LEE NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-9,11-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6,8,9,11,12,14,15,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Claim Rejections - 35 USC § 103*

This action is responsive to the communication filed 12/15/2003.

Claims 4, 10 and 16 have been canceled. Claims 1-3, 5-9, 11-15 and 17-18 remain in prosecution.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al. in view of Morishima (US 5,570,421).

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Regarding claim 1, Son teaches a method for conserving power in operation of a radiotelephone, the method comprising: determining an ambient light intensity, referred to as an "ALI", at a radiotelephone and comparing the ALI value with a reference value ALI(ref) (see light sensed by a photo sensor is above or below a particular threshold, col. 7, lines 7-11); when the ALI value is at least as large as the ALI(ref) value, causing a backlight associated with the radiotelephone to enter a sleep mode (col. 7, lines 1-2); when the ALI value is less than the ALI(ref) value: determining if at least one function in a selected group of radiotelephone functions is presently in use (col. 7, lines 46-50, keystroke is entered); when no function from the selected group is presently in use, causing the backlight to enter the sleep mode (col. 7, lines 49-50, turnoff) ; when at least one function from the selected group is presently in use, turning on the backlight to a selected energy level and beginning to accumulate time under a selected timeout interval (col. 7, lines 53-55, time intervals); determining if at least one function from the selected group is still presently in use when at least one function

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from the selected group is still presently in use, resetting the beginning of the timeout interval (col. 7, lines 17-20); when no function from the selected group is presently in use, continuing to accumulate time under the timeout interval, and determining if the timeout interval is completed; and when the timeout interval is completed, causing the backlight to enter the sleep mode (col. 7, lines 45-50). Son fails to teach providing an adjustment to a user-specified value of said reference value ALI(ref). In analogous art, Morishima teaches that the reference or threshold value used for controlling luminance of the LED can be set with two thresholds (col. 3, lines 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Morishima to the radiotelephone of Son in order to allow the user with different levels of light detection according to his visual detection.

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 1.

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Regarding claim 13, Son teaches a method for conserving power in operation of a radiotelephone, the method comprising: determining an ambient light intensity, referred to as an "ALI", at a radiotelephone and comparing the ALI value with a reference value ALI(ref) (see light sensed by a photo sensor is above or below a particular threshold, col. 7, lines 7-11); causing a backlight associated with the radiotelephone to enter a sleep mode when at least one of the following two conditions is present: (i) the ALI value is at least as large as the ALI(ref) value (col. 7, lines 1-2) and (ii) no function from a selected group of radiotelephone functions is activated within a selected timeout interval having a detected timeout length (col. 7, lines 49-50, turnoff); and when at least

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one function from the selected group is presently activated, turning on the backlight to a selected energy level, beginning to accumulate time, and comparing the accumulated time with the timeout value (col. 7, lines 53-55, time intervals). Son fails to teach providing an adjustment to a user-specified value of said reference value ALI(ref). In analogous art, Morishima teaches that the reference or threshold value used for controlling luminance of the LED can be set with two thresholds (col. 3, lines 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Morishima to the radiotelephone of Son in order to allow the user with different levels of light detection according to his visual detection.

*Allowable Subject Matter*

3. Claims 2-3, 5-6, 8-9, 11-12, 14-15 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2-3, 8-9 and 14-15, the prior art of record fails to teach choosing the selected energy level as claimed.

Regarding claims 5, 11, 17, the prior art of record fails to teach the step of providing as claimed.

Regarding claims 6, 12, 18, the prior art of record fails to teach the step of providing as claimed.

### *Response to Arguments*

4. Applicant's arguments filed 12/05/2003 have been fully considered but they are not persuasive.

In the remarks, Applicant contends that the combination of Son and Morishima does not teach backlight control system where it is the user who is able to adjust the brightness of the illumination with the user's selected power level for the back light because the reference values of Morishima are not user-programmable.



In response, the examiner respectfully disagrees. In Morishima, specifically in column 3, lines 63-65, there are two kinds of threshold to be set: either one threshold value or two threshold values. Now, assuming arguendo, according to the Applicant's interpretation, that the system provides one or more threshold values implemented in a memory of the device, the user needs to select between the one threshold value or two threshold values in order to control the illumination of the backlight. Therefore, the combination of Son and Morishima does teach the claimed limitation.

From the above, the rejection of claims 1, 7 and 13 should be sustained.

### *Conclusion*

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2/25/04  
LEE NGUYEN  
Primary Examiner  
Art Unit 2682